

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

CHRISTOPHER LACCINOLE

v.

CA 13-716 ML

TWIN OAKS SOFTWARE
DEVELOPMENT, INC.

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's objections to a Report and Recommendation issued by Magistrate Judge Sullivan (Docket #42). The Magistrate Judge recommends that Plaintiff's Motion to Strike (Docket #23) be denied; that Plaintiff's Motion for Summary Judgment (Docket #7) be denied; and, that Defendant's Motion for Judgment on the Pleadings and to Dismiss, converted to a Motion for Summary Judgment pursuant to F.R. Civ. P. 12(d) be granted. The Magistrate Judge further recommends that Plaintiff not be granted leave to amend.

Plaintiff claims that the Magistrate Judge erred when she concluded that Defendant is not a debt collector; that Defendant was not required to register as a debt collector with the Rhode Island Department of Business Regulation; that Defendant was not deceived; and that Defendant did not incur actual damages.

This Court has reviewed de novo the Report and Recommendation and Defendant's objections. In the Report and Recommendation, the Magistrate Judge exhaustively and meticulously, sets out the material undisputed facts and the law governing each of Plaintiff's claims. Moreover, it is clear from the docket in this case that the Magistrate Judge afforded this very sophisticated pro se Plaintiff every opportunity to make his case. In the end, this is a case with much smoke, but no fire. This Court agrees with the Magistrate Judge's conclusions. Accordingly, I adopt the Report and Recommendation in its entirety.

Plaintiff's Motion to Strike (Docket #23) is DENIED;

Plaintiff's Motion for Summary Judgment (Docket #7) is DENIED; and,

Defendant's Motion for Judgment on the Pleadings, converted to a Motion for Summary Judgment (Docket #16) is GRANTED.

Plaintiff's request for leave to amend the complaint is DENIED.

The Clerk is directed to enter judgment in favor of Defendant.

SO ORDERED:

/s/ Mary M. Lisi

Mary M. Lisi
United States District Judge
May 30, 2014